

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RUSSELL B.,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Civil No.: 1:22-cv-00223-LEW

ORDER

Pursuant to the power of this Court to award fees and expenses to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's Order and Judgment, remanding this case to the Defendant Commissioner for further administrative proceedings,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of \$7,500.00 in full satisfaction of any and all attorney's fee, expense, and cost claims Plaintiff may have in this case under the Equal Access to Justice Act.

IT IS FURTHER ORDERED that Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act (ECF No. 24) is DENIED as MOOT.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586 (2010), these attorney fees and expenses are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, after the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attor-

ney's fees and expenses to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees and expenses remaining after such offset to Plaintiff rather than to counsel.

Dated this 28th day of February, 2024.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE